

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

v.

**GARY BERNARD BROWN, JR., aka  
Gee, et al.,**

**Defendants.**

**Criminal Action No. 3:24-CR-3  
(Judge Groh)**

**United States' Motion for Complex Case Designation**

The United States of America and William Ihlenfeld, United States Attorney for the Northern District of West Virginia, by Assistant United States Attorney, Lara K. Omps-Botteicher, request that the Court designate this case as “complex” under 18 U.S.C. § 3161(h)(7)(A) and Local Rule of Criminal Procedure 16.01(h) for the reasons that follow:

1. On January 17, 2024, a grand jury returned a thirty-four count Indictment charging eighty-two defendants.
2. In Count One, the government alleges a conspiracy to possess with intent to distribute and to distribute 400 grams or more of a fentanyl mixture, in violation of Title 21, United States Code, Sections 846 and 841(b)(1)(A). The government alleges the conspiracy began on or about January 1, 2021 to on or about the return of the Indictment on January 17, 2024. *Id.* Six defendants are charged in Count One.
3. In Count Two, the government alleges a conspiracy to possess with intent to distribute and to distribute fentanyl, acetyl fentanyl, methamphetamine hydrochloride, cocaine, and cocaine base, in violation of Title 21, United States Code, Sections 846 and 841(b)(1)(C).
4. As the investigation in this case lasted over two years, potential discovery is

voluminous. To date, the United States has received approximately 49,161 items which includes documents, recordings, photographs, and other social media and online content. In addition, the United States is currently preparing to produce numerous hours of audio/video-related discovery material, including several court-authorized interceptions and surveillance camera footage. The discovery also includes evidence from forensic examinations of cellular devices. The United States is diligently working to gather, review, and redact all discovery in accordance with the Court's local rules. In addition, the United States recognizes its continuing obligation with regards to discovery and will continue to produce additional materials as they are received and reviewed.

5. In light of the volume and type of discovery involved in this matter, the United States seeks additional time to continue to collect, review, and produce discovery to each defendant, and also anticipates that defense counsel will require substantial time to adequately review the materials. Further, due to the number of defendants, defense counsel was appointed from several hours away from Martinsburg, West Virginia. A complex case schedule also takes into consideration the additional time necessary for defense counsel to travel several hours and meet with their clients to review the voluminous discovery.

6. Due to the nature of the prosecution, and under 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i)-(ii), the Government believes that it is not reasonable to expect adequate preparation for pretrial proceedings and the trial within the time limits established by 18 U.S.C. § 3161. The United States, therefore, requests that this Court designate this matter as a Complex Case. Should the Court grant this motion, the United States will confer to develop a Proposed Complex Case Schedule as required by Local Rule of Criminal Procedure 16.01(h)(1).

Respectfully submitted,

WILLIAM IHLENFELD,  
UNITED STATES ATTORNEY

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**CERTIFICATE OF SERVICE**

I, Lara K. Ombs-Botteicher, Assistant United States Attorney, for the Northern District of West Virginia, certify that on January 31, 2024, the foregoing *United States' Motion for Complex Case Designation* was filed with the Clerk of the Court via CM/ECF, which will notify all listed counsel of record therein.

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